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COPIES OF SOME OF THE PAPERS,

REFERRED TO

IN THE PLEADINGS

FOR

GENERAL STEWART, and other Freeholders of the County of Wig-  
ton.

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COPIES OF SOME OF THE PAPERS,

RELATED TO

IN THE READING

FOR

THE STUART, and other Descendants of the County of Wilt-

SHIRE.

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...in part: personally. <sup>the</sup> eldest sons of peers could then have not heard of.

When <sup>the</sup> represent<sup>n</sup> of the 2 smaller tenants, in capite introduced, no more of such except<sup>n</sup>.

Stat<sup>ut</sup> of 1504 ~~the~~ <sup>the</sup> requires makes all freeholders <sup>holding of the king</sup> convenable for elect<sup>n</sup> of common<sup>ers</sup> of shires.

Stat<sup>ut</sup> of 1661. reuter debates about right of voting, & to clear them declares the right all heritors &c. holding of the king to a to the extent of a cent<sup>ury</sup> yearly rent capable of voting.

Statute of 1681. makes all such heritors & freeholders contributory to charge of the common<sup>ers</sup>. - In accordance in 1594 & 1653.

Instances of sitting from rolls of parli<sup>ament</sup>.  
1<sup>st</sup> roll with instances 1470, last 1560. No rolls before 1466. Many wanting betw<sup>een</sup>?  
That time & restored? <sup>into conventions</sup>  
Records of Privy Council from 1572 to 1596.

Vote in Scotch parl<sup>ament</sup> <sup>previous to the</sup> union for rev<sup>olution</sup> <sup>to leave</sup> <sup>the</sup> <sup>being elected</sup> <sup>generally</sup> <sup>congruent to the then laws of Scotland in</sup> <sup>view of proposed resolution regarding rights of election of</sup>

...the ... of the ...  
... being ... the ...  
... by ... of experience

## COPIES OF THE ROLLS

**T**HE ROLLS of the Parliament of Scotland have been extracted from the Records by the parties, and consist of more than 400 pages.—From the year 1434 to the year 1587, they contain about one hundred meetings of Parliament, where the persons present are marked. Lord Daer has printed ten of these rolls.—In the 1st, 2d, 4th, and 9th of these, a few *Masters* are marked promiscuously with Peers and Freeholders.—In the 3d and 5th, they are marked immediately after the Peers, and before the lesser Barons. In the 6th, there is *no* Master.—In the 7th, 8th, and 10th, the *Masters* are marked as an order by themselves.

THIS last is what will be found in most of the ROLLS where *any* Master occurs; and the Freeholders have taken the liberty of printing six of them, that the Court may have the fact before them.

## COPIES OF THE ROLLS

Of some of those few Parliaments in which the names of *Masters* appear.

JAMES III<sup>d</sup>.—21<sup>st</sup> March 1484.

Parliamentum excellentissimi principis ac Dni nri Dni Jacobi tertii dei gratia Scotorum regis illustrissimi tentum apud Edinburgh et inchoat. ibid. vicesimo primo die mensis Martii anno Domini millesimo quadringentesimo octuagesimo quarto Et regni prefati excellentissimi principis anno vicesimoq<sup>uo</sup>. Quo die Sect. vocat. Curia affirmat abfen. patent in Rotulis sect.

*Pro Prelatis.*  
Archiepo Sti And<sup>re</sup>.

Epo Glasguen  
Epo Abirdonen  
Electo Dunkeld

*Abbatibus.*  
Pro<sup>curator</sup>. Sti Andris  
Abbate de Arbroth  
Abbate de Calco  
Abbate de Dunfermline  
Abbate de Halyrud-  
hous  
Abbate de Pasleto  
Abbate de Newbottle  
Coadjutore de Melrofs  
Abbate de Cambuske-  
neth  
Abbate de Kilwyning  
Abbate de Balmerinock  
Abbate de Jedworth  
Abbate de Corfragwell

*Comites.*  
Comite de Huntle  
Comite de Erole  
Comite de Mersche  
Comite de Athole

*Secunda die Parl<sup>is</sup> predict<sup>e</sup>. p<sup>re</sup>s<sup>en</sup>tibus  
p<sup>re</sup>s<sup>en</sup>te dn<sup>o</sup> Cancellario.*

*Baronibus.*  
Dno Avandale  
Dno Erskin  
Dno Haliburtoun  
Dno Halis  
Dno Lile  
Dno Glamis  
Dno Oliphant  
Dno Cathkert  
Dno Kennedy  
Dno Borthuic  
Dno Carlile  
Dno Kilmawris

*Mag<sup>istri</sup> Craufurde  
Mag<sup>istri</sup> de Erskin*

Dno Jacobo Ogilby  
Magro Johe Lioun  
Preceptor de Torfi-  
chen  
Dno de Lochlevin  
Dno Robt<sup>us</sup> Coluile  
Vic de Renfrew  
Vic de Are

*Commissarii.*  
Edinburgh  
Hadingtoun  
Lichgw  
Dunde  
Sterling  
Lanerk  
Abirdene  
Perth  
Banff  
Bute  
Wigtoun  
Kirkudbry<sup>re</sup>.

1st October 1487.

Parliamentum excellentissimi principis ac dni nri dni Jacobi Tertii Dei Gratia Scotorum Regis Illustrissimi tent. et inchoat. apud Edin. primo die mensis Octobris, anno dni, &c. octuagesimo septimo. Quo die sect. vocat. Curia affirmat. absentes patent in rotulis sect.

Parliamentum predictum tentum fuit, et cotidie continuat. a dicto primo die mensis Octobris, usque ad decimum tertium ejusd.

Predicto decimo tertio die presente dno Rege prefato Parlamento.

<i>Epi.</i>	<i>Comites.</i>	
Glasguen	Cancellarius	Dns de Sanquhar
Dunkeld	Angusie	Dns Jacobus Livingstoun
Aberdonen	Atholie	Dns Wm <sup>us</sup> Murray
Dumblanen	Erolie	Vic de Air
Orcaden	Mariscallie	Vic de Renthrew
Insularum	Magr Cawfurd	Dns Jacobus Ogilby
	Magr de Mortoun	Vic de Perth
		Dns de Lochinver
<i>Abbates.</i>		Vic de Edinburt
Pror St Andree	<i>Barones.</i>	Dns de Tulchadam
Calco	Dns Innermeth	Dns Jacobus Creichtown
Arbroith	Halis	Dns Jacobus Sandilands
Cambuskyneth	Glamis	Dns de Kerfs
Dundranane	Oliphaunt	Dns de Craigmiller
Culrofs	Lindissa de Byris	Oliverus Sinclair miles
Vallis lucis	Grahame	Dns de Halkhide
	Kathkert	Dns de Waughtown
Custos Privati Sigilli	Kilmauris	Dns de Auchileck
Secretarius	Maxwell	Dns de Zister
Clericus Register	Brothwick	Dns de Restalrig
Arch <sup>us</sup> Sti Andree	Setoun	Dns de Clofsburn
Pptus St Andree	Forbes	Dns de Cockpule
	Dirltoun	Dns de Amisfield
	Carlile	Dns de Cumnok
	Dns de Stobhall	Dns de Haltoun
		Dns de Rutherford
		Dns de Buccleugh
		David Lindsay
		miles
		<i>Commissarii.</i>
		Edinburgh
		Striuelin
		Hadinton
		Lichgw
		Dunde
		Lanark
		Peblis
		Abirdene
		Montros
		Are Irvin
		Renfrew

In the above roll, it will be observed, that the Masters, being sons of Earls, are classed with that body, and ranked before the Lords Baron.

23d March 1542.

Parliamentum Excellentissime Principisse et dne nre dne Marie Regina  
 Scotiæ tento apud Edinburgh decimo tertio die mensis Martii anno  
 dni millesimo quingentesimo quadragesimo secundo per Magnifi-  
 cum Principem Jacobum comitem Aranie Dnum Hamiltoun tu-  
 torem ac gubernatorem Regni tribus regni statibus presentibus.

Domino Gubernatore presente.

*Pro Clero.*

Ga Archiepiscopus Glasguen  
 W Ep<sup>s</sup> Abirdonen  
 P Epus Moravien  
 Jo Ep<sup>s</sup> Brechinen  
 Ro Epus Rossin  
 W Ep<sup>s</sup> Dumblanen  
 And Ep<sup>s</sup> Candidec  
 Robertus Ep<sup>s</sup> Orchaden

*Abbates.*

Dunfermling  
 Lundoris  
 W<sup>us</sup> Abbas de Corfagwell  
 D de Cupro  
 Ja de Newbottlell  
 Ad de Dundrenan  
 Prior Pluscarden  
 Dribur<sup>t</sup> Culrofs  
 Newabbay  
 Pittinweme

Thesaurarius  
 Secretarius  
 Clericus Regri  
 Cl<sup>us</sup> Justiciarii  
 M. Adam Otterburn  
 Aduocatus

*Pro Baronibus.**Comites.*

Huntlie  
 Murray  
 Montrofs  
 Eroll  
 Marchell  
 Rothes  
 Mortoun  
 Crawford  
 Cassillis  
 Cathness  
 Glencarne

*Dni.*

Erskyn  
 Flemyng  
 Maxwell  
 Setoun  
 Hay de Zestir  
 Somervale  
 Lindefay  
 Drummond  
 Oliphant  
 Ogilby  
 Gray  
 Innermet  
 Saltoun  
 Ruthven  
 Methven  
 Crichtown  
 Sti Johis  
 Lovet  
 Ochiltre

*Pro Commissariis Bur-  
gorum.*

Prepositus Edinburgi  
 David Rollok et Robert-  
 us Myln pro Dundee  
 Ja Lermo<sup>r</sup> pro Sti Andr<sup>&</sup>  
 Adam Ramsay et Thoma  
 Jamisoun p Perth  
 W<sup>us</sup> Alisoun p Jedbur<sup>t</sup>  
 W<sup>us</sup> Hamiltoun p Aire  
 Jo<sup>s</sup> Auld pro Irwyn  
 Thomas Menzies p Ab-  
 dine  
 David Lindefay pro Cu-  
 pro  
 Jo<sup>s</sup> Ogilby pro Montrofs

Mag<sup>r</sup> Montrofs  
 Mag<sup>r</sup> Borthwick  
 Mag<sup>r</sup> Ruthven

15 Dec. 1543.

In Parliamenta Excellentissime Principis et dne nre dne Marie Regi-  
næ Scotiæ tento apud Edinburgh decimo quinto die mensis De-  
cembris anno dni millesimo quingentesimo quadragesimo tertio  
per magnificum principem Jacobum Comitem Aranie Dnum Ha-  
miltoun, &c. tutorem dte. Dne Reginæ protectorem et gubernato-  
rem regni Tribus Statibus regni presentibus, viz.

*Pro Clero.*

Cardinalis  
Archiepus Glasguen  
Epi Morauien  
Candidecase  
Brechinen  
Orchaden  
Abbates Cambuskynet  
Paslay  
Dumfermling  
Cowper  
Lundoris  
Newbottle  
Kilwyning  
Dundrenane  
Culrofs  
Prior Pluscarden  
Prior Pittenweme  
Secretarius  
  
Clericus Registri  
Clericus Justiciarie  
Aduocatus

*Pro Baronibus.*

Comites Huntly  
Murray  
Ergile  
Bothuil  
Montrofs  
Menteth  
Cathness  
Suyerland  
  
Dni Erskyn  
Flemying  
Ruthven  
Borthuick  
Lindesay  
Setoun  
Oliphant  
  
Crechtoun  
Saltoun  
Lovett  
Semple  
Uchiltre  
  
M. Eglintown  
M. Montrofs  
M. Erskin  
M. Buchane

*Pro Commissariis**Burgorum.*

Ad. Otterburn } p Edin.  
Simon Prestoun }  
Thomas Jamisoun p Perth  
W<sup>rus</sup> Spalding p Dundee  
Walterus Ogilby p. Banff  
W<sup>us</sup> Hamiltoun p Air  
Ro Forester p Striueling  
David Lindesay p Cupro  
W<sup>us</sup> Alifon p Jedbur  
W<sup>us</sup> Wedderspoun p Lin-  
lithgow

November 7. 1544

In Parlamento excellentissime principis et Dne nre Dne Marie Re-  
gine Scotie Tento apud Edinburgh septimo die mensis Novembris  
anno domini millesimo quingentesimo quadragesimo quarto per  
magnificum principem Jacobum Comitem Aranie Dnum Hamil-  
toun & tutorem dne regine ac regni gubernatorem tribus regni  
statibus presentibus

## Dno Guberantore presente

*pro Comissis Burgorum*  
prepositus de Edinburgh

<i>pro Clero</i>	<i>pro Baronibus</i>	
Archiepus Sti Andris	Comites	Jo <sup>us</sup> Scrymge de Dunde
Card <sup>us</sup> Cancellarius	Roths	Jacobus Leyrmonth pro Sti
Epus Candidecase	Crawfurd	Andros
<i>Abbates</i>	<i>Dni</i>	Tho <sup>us</sup> Menzeis p. abden
Paflay	Gray	David Lyndesay p. Cupro
Dunfermling	Lyndesay	Willielmus Pender p. Lan <sup>k</sup>
Lundoris	Setoun	Henricus Forest p. Lin-
Kilwynyng	Livingstoun	lithgw
Prior Pittenweme	Ogilby	Adam Ramsay p. Perth.
Jedburgh	Cathcart	
Newbottle	Innerme <sup>us</sup>	
	Semple	
Clericus Registrie	<i>Magri de</i>	
Clericus Justiciarie	Eglintoun	
Aduocatus	<i>Mag<sup>us</sup> de Symple</i>	
M. Henricus Balnairs	<i>Mag<sup>us</sup> de Rofs</i>	
	<i>Mag<sup>us</sup> de Roths</i>	
	<i>Barones</i>	
	Wester Wemyss	
	Lochlevin	
	Ja Kirkaldy de Grange	

29 Nov. 1558.

In currenti Parlamento Tinto apud Edinburgh penultimo die  
 mensis Novembris anno Domini millesimo quingentesimo quinquage-  
 simo octavo In presentia Regine Dotarie Scotie ac regni ejusdem  
 Regentis unacum tribus regni Statibus ac Willielmo Comite Maris-  
 calli Domino Keith, Georgio Comite Errolie Domino Hay Constabu-  
 lario, et Jacobo Comite de Bothuile Vicecomite et Thoma Hall adju-  
 dicatore.

*Pro Clero.*

Archiepiscopus Sancti-  
 andrie  
 Archiepiscopus Glas-  
 guen  
 Episcopi Dunkelden  
 Aberdonen  
 Morauien  
 Dunblanen

*Abbates*

Prior Sanctiandree  
 Dunfermeling  
 Cowper  
 Kilwyning  
 Coldinghame  
 Sanctecrucis

Jedburgh

Dier

Kinloss

Newbotle

Pluscarden

Culrofs

Sancti Columbi

Inchecastray

Monimusk

Dns Sacti Johis

*Pro Baronibus*Comites Huntlie Can-  
cellarius

Ergile

Bothuile

Crawfurde

Errole

Merchell

Eglintoun

Glencarne

Menteith

Montrofs

Mortoun

Suyirland

Athole *per procurato-*  
*rem**Domini*

Erskin

Ruthven

Hume

Borthwick

Lindesay

Drumond

Seytoun

Levingstoun

Somervell

Boyd

Semple

Innermeith

Rofs

Elphinstoun

Uchiltrie

*Pro Commissariis Burgorum*

Prepositus Edinburgi

Perth

Abirdene

Dunde

Air

Montrofs

Linlithgw

Sanct Andr

Glasgw

*Magri*

Gordoun

Cassillis

C

Roll

## Roll of the Parliament 1612.

This is given as a specimen of the rolls, where the representatives of counties are marked as such; there being no instance of any Peer's eldest son marked in the rolls of Parliament subsequent to the establishment of representation by the act 1587.

*Pro Clero.*

Marques of Hamylton

Sanctandrois

Glasgow

Dunkeld

Galloway

Breachin

Murray

Aberdene

Ergyle

Caithnes

Dumblane

Abbat Tungland

*Erlis*

Angus

Mar

Wentoun

Hume

Perth

Kinghorne

Lauthiane

*Lordis*

Lyndesay

Torthomald

Torphechen

Thirlstane

Roxburgh

Colville

Scone

Blantyre

Burley

Buccleuch

Cranstoun.

*Small Barronis*

Sir James Fowlis of Colinton knyght

Sir James Dundas of Arniston knyght

Sir Alexr. Hamilton of Innerwick knyght,

Sir James Douglas of Spot knyht.

Sir John Livingston of Dunipace knyht.

Mr Alexander Seyton of Gargunok

Sir Walter of that ilk knyht.

Hamilton of Bathcart

Robert Swintown of that ilk

Cockburn of Langtoun knyht.

William Douglas younger of Cavers

} for Edinr prin<sup>le</sup>

} for Edinr within the con-

} stabulary of Hadingtonn

} for Strivelling

} for Linlithgow

} for Berwick

} for Roxburgh

Sir

Sr. Gideon Murray of Ellbank knyt.	}	for Selkirk
Murray of Fallayhill		
Sir John Murray of Eddlestown knyt.	}	for Peblis
Sir Robert Stewart of      knyt.		
Sir David Carnegie of Kinnaird knyt.	}	for Fyff
Sir John Learmonth of Balcomie knyt.		
Sir William Stewart of Garntullie kny <sup>t</sup>	}	for Perth,
Graham of Inchbrekie		
John Scrymgeour of Diedop	}	for Forfar,
Collace of Balnamonie		
Ramfay of Balmane	}	for Kincardine,
Allerdes of that ilk		
Alexander Gordon of Cluny		for Aberdene,
Baillie of Lamington	}	for Lanerk,
Sir John Hamiltoun of Lettrick kny <sup>t</sup>		
Sir Robert Gordon of Lochinvar kny <sup>t</sup>	}	for the Stewartry of Kirk-
Mackulloch of Mertoun		cudbright,

## BURROWIS.

James Nilbet	}	for Edinburgh,
George Fowles		
Andro Grant		for Perth,
Mr Alex. Wedderburne	}	for Dundee,
William Auchinleck		
John Scherar	}	for Striveling,
John Williamfon		
Alexander Rutherford		for Aberdene,
John Lockhart		for Air,
Duncan Balfour	}	for Sanctandrous,
John Arnot		
James Inglis	}	for Glasgow,
James Bell		
Harye Cockburne		for Haddington,
Mr John Mitchelson		for Dunbar,
William Rutherford		for Jedburgh,

James

James Mischellhill	for Selkirk
John Dickefoun	for Peblis
Herbert Cunynghame	for Dumfries
John Turnour	for Wigton
Andro Pinkerton	for Rutherglen
Robert Lockhart	for Lanerk
Andro Bell	for Linlithgow
Thomas Fallowfdale	for Dunbartane
Sir George Bruce	for Culrofs
Mr Thomas Wardlaw	for Dumfermling
John Makefoun	for Craill
Patrick Grief	for Burntland
Mr Robert Cunynghame	for Kinghorne
Thomas Lamb	for Kirkcaldie
Robert Richartson	for Anstruther be west the burne
Robert Alexander	for Anstruther be east the burne
William Stevenfon	for Pittenweeme
Archibald Rofs	for Tayne
Alexander Jamefon	for Cowper in Fyff
David Symfoun	for Dyfert
Jon Traill	for Forfar
William Stevenfon	for Inneuirie
William Maxwell	for Lochmabin
Harye Kinglassie	for Innerkeithing
Robert Farquhair	for Forres
William M'Ghie	for Kirkcudbright
David Millar	for Annand
William Campbell	for Innerness
Thomas Lauder	for North Berwek
Patrick Lichtoun	for Montross
Thomas Mylne	for Elgin
William Pryngill	for Lawder
David Naire	for Brechin
Alexander Betoun	for Kilrynie
William Sommervell	for Renfrew

Extracts

( 14 )

## Extracts from the Rolls of Parliament

Of a few of the Instances where Procurators are marked as sitting  
for the Nobility.

14. October 1467.  
Pro Baronibus—*Procuratoribus* Comitibus de Rosse et Huntli, viz. Wil-  
lielmo Thano de Cador et Thema Forbace.

6. May 1471.  
*Procurator* Comitibus de Mar—*Procurator* Comitibus de Rosse.

16. February 1483.  
*Procurator*—Pro D<sup>no</sup>. Comite Crawfordie.

1. October 1545.  
Nigellus Montgumry de Langschaw Miles *pro* Comiti de Eglintoune.

29. November 1558.  
Atholl per *Procuratorem*.

Extract from CRAWFURD'S LIVES of the Officers of State of Scotland.

*Printed at Edinburgh 1726. p. 152.*

JOHN EARL OF MONTROSE.

" This Noble Person was the posthumous son of Robert Master of Graham, son and heir apparent of William Earl of Montrose, (who was slain at the battle of Pinky,) by Margaret his wife, daughter of Malcolm Lord Fleming. The Earl, his grandfather, took great care and pleasure in the education of the young Lord Graham; and, the better to initiate him into public affairs, he sent him frequently to the Parliaments, *where we find him a sitting Member as Proxy for his grandfather.* The old Earl being desirous to raise more heirs to his family, thought fit to dispose of the Master, his grandson, in marriage, which he did in 1569, to a Lady of the most Noble family of the Drummonds, by whom his Lordship had all his children.

Of a few of the instances where Procurators are marked as being  
Extracts from the Rolls of Parliament  
13. Jan. 1526.

LIST OF THE PRIVY COUNCIL.

- |                                      |  |
|--------------------------------------|--|
| The Archbishop of Glasgw             | The Erle of Angus.                               |
| The Bishop of Abirdene               | The Erle of Arane                                |
| The Bishop of Galloway               | The Erle of Eargyle                              |
| The Bishop of Dunblane               | The Erle of Levenax                              |
| The Bishop of Orkney                 | The Erle of Mortoun                              |
| The Prive Sele                       | The Erle of Glencairn and in his absence his son |
| The Secretar                         | The Erle of Caillills                            |
| The Abbat of Cambuskynet             | The Lord Maxwell                                 |
| The Po <sup>r</sup> . of Coldinghame | The Lord Erskin                                  |
| The Lord of S' John's                | Archibald Douglas Provost of Edinburgh           |
| The Dene of Glasgw                   | The Lord of Balwery                              |
|                                      | The Lord of Houston                              |
|                                      | M. Adam Otterburn his Advocat.                   |

EXTRACTS

JOHN EARL OF MONTROSE.  
This Noble Person was the possessor of a fine education, and his appearance of William Earl of Montrose, who was slain at the battle of Marston, by Montrose's own hand, was the cause of his being educated in the education of the young Lord Graham; and the latter, to initiate him into public affairs, he sent him frequently to the Parliament, where we find him a young Member in 1547, for the first time. The old Earl being desirous to raise more men to his family, thought fit to dispose of the Marston his grandson, in marriage, which he did in 1560, to a Lady of the most Noble family of the Drummonds, by whom his Lordship had all his children.

## EXTRACTS from the RECORDS of the PRIVY COUNCIL.

Lord Daer having printed four different rolls and lists, of certain acts and proceedings, said to be taken from a record preserved in the Justiciary Office, (see copies of papers founded on by Lord Daer, p. 15. &c.) it ought to have been mentioned, that a few old books preserved in the Justiciary Office, from which his Lordship's excerpts are taken, appear evidently to be part of the records, not of parliament, but of the Privy Council—the oldest of them is entituled "*The Counsale Buke*, beginnan the government of the Erle of Mar regent."

The book from which Lord Daer's extract, p. 15. is taken, is entituled, "*The Buke of the Actis of Secreit*, (here a word is torn off "which must have been "*Counsale*") in the government of the Erle of Morton, regent, beginnan in November," (the rest torn off.)

As Lord Daer has stopped short in the middle of his quotation from that book, of the election of the Earl of Mortoun to be regent, the freeholders beg leave to give that paragraph at length:—

"The q<sup>th</sup> day the said James Erle of Mortoun was elected to the said office of regentrie to our soveraine Lord his realme and lieges durand his Majesties minoritie be pluralitie of votes of the saidis estaittes and utheris above written after q<sup>th</sup> electione the said Mortoun agreet to underly and accept the said charge and office of regentrie and to the effecte that ane uniforme concurrence may bee betwix him and the nobilitie in the furth setting of the glory of God government of the affaires of the common-weall, they with ane mynd and assent are agreet and consentit mutual-ly to the articlis followan"—

These articles are of great length; they begin as follows:—

"In the first, sen the eternall God of his greit mercie after the founding of the trumpet of his blissett evangell throuout the haill realme to the glorie of his awn name, has savet and evidentlie delyveret us from divers and maniefold dangers, &c.

One of the proceedings of this meeting is thus expressed:—

"The q<sup>th</sup> day the Lord regentis grace with advise of the Lordis of se-  
" creit.

Mr Archd.  
Douglass to  
be tryit.

" creit Counsale, has fund expedient and declares that Mr Archibald  
 " Douglass now remaining in ward within the castle of Striveling,  
 " fall be tryat for the crymes he was delatet and suspectit of, and  
 " to y' effecte ordainis ane commission to be maid be the Justice  
 " Clerk to Alex' Erlkein of Gogar, Robert Drummond of Car-  
 " nok, Maister James Haliburton provest of Dundie and John  
 " Craigengill of that ilk provest of Striveling counjunctlie or  
 " severallie."

The next sederunt in the book, is thus marked:—

" Apud Edinburgh, 9. December 1572.

" SEDERUNT

" Jacobus D <sup>m</sup> Regens	Adam Epus Orkaden
" Archibaldus Comes Ergaliz, &c.	Robertus Commendatarius Dum-
" Gulielmus D <sup>m</sup> Ruthven	fermling
" Patricius D <sup>m</sup> Lindesay	Clericus R.
	Clericus Justiciariae

Proclamation  
 to be in rea-  
 dinefs.

" Forasmeikle as my Lord regentis grace and Lordis of secreit  
 " Counsale, considering quhen be the last troubles yat hes occurrit  
 " within this realme," &c.

In the same book is found the excerpt given by Lord Daer, p. 18.  
 which is thus continued:—

" Compeirit ane nobil and michtie Lord Colin Erle of Ergyle  
 " &c. for himself and in name and behalfe of Dame Agnes Keith  
 " Countesse of Ergyle and Murray his spouse and of Elizabeth and  
 " Margaret Stewarts, dochters and aires of umq<sup>e</sup> James Erle of  
 " Murray, Lord Abernethie, regent for the time, presentit exhibitit  
 " and delyverit to the said Lord Regent in naim and behalfe of our  
 " faide soveraine Lord the Jowilles respective under written, yat  
 " is to say, ane great H of dyament with ane rubie pendant there-  
 " at, &c. intromittit and keepit be the said Dame Agnes and her said  
 " spouse for the dochters of the said umq<sup>e</sup> Erle of Murray and  
 yat

"yat for obeyand of the command of the letteris passet *conforme* to  
"ane *act of secret Counsale*," &c.

The first of the acts of this Council, mentioned by Lord Daer,  
p. 19. is entituled,

"Anent Shuitting and bering of Culverings and Daggis."

"Forasmeikle as in the first zeir of our Sovereign Lordis reigne  
"there was ane acte maid anent shuitting and bering of culverings  
"and daggis conteinan pein of cutting off the right hand of the  
"contraveeners, q<sup>ik</sup> acte sen the makand thereof hes taen na exe-  
"cution throu' the troubles and civil war wherewith the haille Realme  
"hes been for the maist pairt sen syne inquietit, but now Almichtie  
"God hes restorit peace and quietnesse from all foreign wars and  
"civil troubles, yet the wearing, bering and shuitting with culver-  
"ings daggis and fireworks is not left off and forborne, but ra-  
"ther the unlawful use of them is still hauntit and frequentit be all  
"manner of men throu' q<sup>ik</sup> hes happened dyvours murders and  
"slaughters of valiant and gude men upon slender and light occa-  
"sions, q<sup>ik</sup> utherwise wer able and willing to defend themselves at  
"sik tymes of tulzie and invasion; and the Regentis Grace, *Nobilitie*  
"of *Estat*is and *Counsale* now *convenit* willand to further the execution  
"of the said acte of parliament, &c." The conclusion is in these  
words, "And this acte or order while the next parliament or con-  
"vention generale and further ay and qy<sup>e</sup> expresse derogation be  
"made thereto, to indure."

In the list of the acts of this Council given by Lord Daer, p. 19.  
the second act is omitted. It is in these words.

"The q<sup>ik</sup> day comperit Maister Thomas Craig advocait in name  
and behalfe of Elisabeth and Margaret Stewarts lawful dochters and  
aires of umq<sup>i</sup> the nobel and mighty lord James Erle of Murray Lord  
Abernethie unkill to our soveraine Lord and Regent to his Highnesse's  
realme and leiges for the tyme of gude memorie and of Dame Ag-  
nes Keith Countess of Ergyle and Murray his relicte and now the  
spouse of the nobel also and mightie Lord Colin Erle of Ergyle Lord  
Campbell and Lorne, he himselfe being present for his interest, and  
exponit and declarit how the said umq<sup>i</sup> Erle of Murray Regent for the  
singular luif and affection q<sup>ik</sup> he bure to our said soveraine Lord and  
for the preservation of his person after the murder of the King his  
hienesse dearest father accepted the adminitration and regiment of  
this realme on him in ane maist difficile and dangerous tyme, durand  
the

To consider  
the Erle of  
Murrays det-  
tis.

the q<sup>h</sup> in respect of the great inobedience and civil war within the realme whairby the rents of the Croune wer not well payed and yet the charge great and sumptuous, as also of the exorbitant expences maid in the realme of England in defence of our said Sovereine Lordis authority and common weal of the realme, the said umq<sup>l</sup> Lord Regent not only spendit his ain livings and gudes, sold and wadset sundrie portions of his heretage, but also contracted great debt as well within the realme as outwith the same and in foreign countries, beside the spending of his ain life in the end, to the heavy loss and skaith of his posteritie and friends but specially the said Countesse his Relicte and of the saids Elizabeth and Margaret his dochters and aires q<sup>h</sup> be occasion of the said publick ruine baith wantis the said heretage wadset and sold as said is, and are subject to the payment of the said debtis and souns of money and the remainant living whereon they ar neist to succeed in danger to be apyryed therefor, and seeing *be decret of the Regentis Grace and Secret Counsel* and letters and charges of horning direct thereupon, the said Dame Agnes Keith and the said Colin Erle of Ergyle now her spouse for her interest are publickly compellet to exhibit and deliver to the Regentis Grace p<sup>nt</sup> in name and behalf of our said Sovereine Lord the Jewalles underwritten &c."

The Regent and *Council*, upon hearing this petition, ordained the Chancellor, and others of the Privy Council that might be present with him, to take an account of the debts and claims of the Regent's heirs, " And the said Lord Chancellor has accepted the said charge upon him, *with assistance of the rest of the counsaile*, and sal proceed in the cognition and tryal of the said debtes with all convenient expedition."

The remaining acts are in similar terms.—The act anent the punishment of "strang and idle beggars" concludes,

" And the present acte and ordour qy' the next Convention or Parliament to endure, that then it may be considerit qu' is further requisit to be provydit for in this behalfe, or gif ony thing herein ordained sal then appear unprofitable, superfluous, or worthy to be changed, and further ay and whyle exprefs derogation be maid thereto, and that letters be direct for execution and publication hereof in forme as effeirs."

Extracts

## Extracts from the Records of the Privy Council,

Preserved in the Justiciary Office,

The Roll printed by Lord Daer, p. 20. is another federunt of the Privy Council, taken from a book in the Justiciary Office, intituled, "*The Counsale Buke*, beginnand upon the first day of June, the zeir of God, ane thousand five hundredth fourscore eleven zeirs."

There were three acts passed at this meeting of the Council, the titles of which are given by Lord Daer,—The first of them is introduced with these words:

"The q<sup>th</sup> day in presence of the Kingis Majestie, *his nobilitie and counsale* publickly convenit, the acte maid be his Majestie with advice of the Lords of his *Secreit Counsale, Session, and Chekker*, at Edinburgh the sixteenth day of December last past be the q<sup>th</sup> it is statute and ordainit," &c.—And concludes, "The Kingis Majestie with advise of his saidis *Nobilitie and Counsale* hes ratified and approven and be thir presents ratifies approvis and confirms all the saide actis," &c.

The second act, intituled, "A discharge of all Conventions of the Kirk to be halden at Edinburgh," is in these words:

"The Kingis Majestie with avise of his *Nobilitie and Counsale* for the better observance of his *hienesse* peace quet and gude ordour, in his estait and cuntrie, hes concludit and resolvit that there shall be na general nor Synodical Assemblies nor na ordinar Presbytrys be kept nor halden in any part within the Burgh of Edinburgh in time coming, but either within the towns of Musselburgh, Dalkeith or any uther town maist ewist thereto, wherein the commoditie may be best offered or necessity shall require, discharging be thir presents, the persons appointed to represent the said assemblies of all convening within the said Burgh of Edinburgh to this effect, as also, the Provost and Baillies of the said Burgh, of all suffering or permitting of them to assemble therein at any time hereafter, as they will answer to *his Hiennesse* upon their obedience at their uttermost chairge and peril."

The third act begins in the same manner as the last, and the conclusion is similar.

The same observations apply to the Roll printed by Lord Daer, p. 21. and to the three acts, of which the titles are thereto annexed, which have likewise been extracted by his Lordship from the last-mentioned book kept in the Justiciary Office, intituled, "*The Counsale Buke*."

*Lord Daer having printed only an excerpt from the following paper, the freeholders think it proper to lay the whole of it before the Court.*

**EXCEPTIONS** against *James Crichtoune*, why he ought not to be Commissioner to the Parliament for the Shire of Dumfries.

*First*, The election of the said James to be Commissioner is void, becaus divers persons who aught to have voyced in the election of Commissioners wer not admitted, upon pretext that they wer only *appeirand airs to y<sup>r</sup> predecessors*; whereas the appeirand airs, both of noblemen and barons *respective*, may fit in Parliament, and voyce to the election of Commissioners.

*2do*, Divers persons wer admitted to voyce, who be y<sup>e</sup> Act of Par. could not be admitted, viz. Daved M'Brair, and Grierson of Capanoch, Daved M'Brair not being residenter within the Shire bot within y<sup>e</sup> Stewarty of Kircudboy<sup>t</sup> q<sup>r</sup>, and for q<sup>ch</sup>, he is chosen Commissior to y<sup>is</sup> Parliament; and the said Grierson not being his Majestie's vassal bot holding his lands few of y<sup>e</sup> Erle Nithisdale.

*3tio*, Be y<sup>e</sup> act of Parl. 1587, Cap. 113. the Commissioners should be subscribed be fix at least of barons and freeholders havine power to elect; Quhereas the pretendit Commission given to the said James is only in effect subscrit be four, seeing of the fix only subscribing, Daved M'Brair, and Grierson, are two who could not elect nor voyce for the reasons foresaid.

*4to*, Be y<sup>e</sup> Act of Parl. 1597, Act 272, no Commissioners should be received, unless their commission be subscrivet be a great number of the barons present, which act being posterior to y<sup>e</sup> above written act 1587, which doeth require the subscription of fix must be understood a greater number, quhereas the said commission is only subscrivet as said is be fix, quhereof two could not subscribe, and a greater number of y<sup>e</sup> freeholders and persons of y<sup>e</sup> greater estate and quality do not subscribe the same, the estate of two of them exceeding the estate of all y<sup>e</sup> subscribers.

5<sup>to</sup>, The said James cannot be Commissioner be the said Act of Parliament 1587, because be y<sup>e</sup> said Act of Parliament he should be residenter within the Shire, and is not.

6<sup>to</sup>, Be y<sup>e</sup> said act of Parliament, he should be a person of interest, and gude rent within the shire; and the said James has no estate at all in the shire, having only a pretendit right of superiority, yielding no rent, and qreof he is already denudit in favors of James Young.

7<sup>mo</sup>, He should be a person well esteemed within the shire, conform to y<sup>e</sup> said Act of Parliament; and the said James is of no esteeme within y<sup>e</sup> shire, having no estate yrin and for divers other reasons not fit to be mentioned.

It is stated by Lord Daer, that the answer to the above paper is extant; that it contains no contradiction of the assertion in the first paragraph; and that a copy of it has been given to the agent for the freeholders. But although he has been furnished with the copy of a paper quoted on the back, 'An answer for James Crichtoun, to the exceptions against him;' yet upon looking into that copy, he found it not to be an answer, but on the contrary, a separate exception on the part of Crichton, &c. which it may likewise be proper to lay before the Court.

REASON

REASONS humblie offered to the consideration of his  
*Grace the King's Majestie's Commissioner and Estates of  
 Parliament*, now conveyen by his Majestie's speciall  
 authority on behalf of the Commissioners elected for the  
 Sherifffdome of Dumfries, against a pretendit commission  
 alledged grantet in favours of *Robert Dalzell*, younger  
 of Glenae, and *Alexander Jardine*, of Applegirth,

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*First*, The said pretendit commission, in law or reason, ought not  
 to be respected, becaus it is of veritie, and if need be, is offered to  
 be proven, that Sir William Douglas, of Kilhead, who by the King's  
 Majesties proclamation, was entrusted for conveyen the freeholders  
 of the said shire, to elect Commissioners for representing the said shire  
 in this present Parliament, He by his missive letters directed to the  
 severall freeholders within the samyn shire, did appoint them to meet  
 at Dumfries, head burgh of the said shire, upon the 20th of Novem-  
 ber last; at which time the heritors and freeholders, in obedience to  
 his Majesties said proclamation, and according to the said conveyer  
 his desyre did meet to the number of fourteen, and his Majesties  
 commands being communicated to them then met, after some debate  
 betwixt the heritors of the shire, and some heritors within the stewartry  
 of Annandale, which is a part of the said shire, upon some ground-  
 less discontent, some of the heritors of the said stewartry, did remove  
 themselves without voycing in the election, and the remanent free-  
 holders after full and free debate among themselves, did by pluralitie  
 of votes, nominat and elect James Crichton, of St Leonards, and Robert  
 Fergusson of Craigdarroch y<sup>r</sup> Commissioners, to represent them in this  
 present Parliament; and accordingly a commission drawne up and sub-  
 scrivit be a competent number of said freeholders, conform to the lawes  
 and Actes of Parliament, and y<sup>e</sup> said meeting y<sup>r</sup> upon dissolved in a  
 fair and legal way, and consequentlie the trust imposed upon the  
 said conveyer be the King's Majesties finished; both he and the  
 said

said freeholders, be the said election being *functi officii*, and having no person either by his Majesties said proclamation, or by any law whatsoever, to re-assemble the said heritors, any such convocations be any private person without his Majesties speciall warrand being expressly forbidden by our lawes and Actes of Parliament, and all treaties, consultationes or other deeds done therein declared unlawful and null.

2<sup>do</sup>, The said pretendit commission is null, and ought not to be respectit, becaus notwithstanding of the unlawfulness of the said meeting, as wanting authority in manner foresaid, the persons sua met all or most of them wer altogether incapable to make any such election, as namely Sir John Dalzell, of Glenae, and Kirkpatrick, of Closeburn, becaus as being freeholders, they, at the foresaid first meeting had sitten, debated, and given their voices for electing of such persons as they then thought most fit, and consequentlie had done their utmost deutie, and could not in the same particular pretend to the priveledge of any new voyce or second convocation.

3<sup>io</sup>, Some of the subscribers of y<sup>e</sup> said commission, namely, John Irven of Woodhouse, James Hunter of Ballagin, were not present at the meeting the time of the said election, and any subscription of theirs privately procured whether mendicat or not, can add no strength or force to the said commission, especially considering that Woodhouse being present at the first election, did of his own accord remove without voycing, and it will be found that Ballagin is not the King's vassal.

4<sup>to</sup>, Howmains, one of the subscriyvers y<sup>r</sup> of, neither himself, his father or Gudsy<sup>r</sup> wer ever infest in any lands holden of the King, upon which account his voyce was rejected at the said first meeting.

5<sup>to</sup>, The said Sir William Douglas of Kilhead, albeet be his Majesties proclamation he was appointed Conveener of the said heritors, yet the said proclamation did not give to him any further or other power or priveledge, otherwise not competent to him by law, whereas he is not the King's vassal in any lands bot his estate holden immediately of the Earl of Queensberry, and consequentlie could have no right either to vote in the said election, or subscriye the said commission.

F

6<sup>to</sup>,

6<sup>to</sup>, Mr. Robert Bell, one of y<sup>e</sup> subscribers of the said commission, having met at the first election, it was objected against his power to vote, that he was no freeholder, nor infest, his only entries (*interest*) in the shire, as yet, being *jure mariti*, himself being a notar only, having married to an heretrix of an inconsiderable parcel of land, whose right also is disposed to James, Earl of Hartfele, whereupon his voyce also was rejected at the said first meeting.

7<sup>mo</sup>, James Maxwell, son to the Lady Tinwall, also one of the subscribers of the said pretender commission, having been present at the first meeting, and y<sup>n</sup> having produced a letter direct to the first meeting from his mother the Lady Tinwall, desiring him to be admitted to vote, in respect she was of purpose to dispoise to him the lands of Dunwiddie belonging to her in heretage, which as a ridiculous interest, was by the said meeting rejected, and he upon that ground not received to vote, as in justice he ought to have been, at the said second meeting, albeit it had been lawful, as it was not.

8<sup>vo</sup>, John Johnston, of Elchishields, his subscription also cannot be respected, because he having according to the convening advertisement, met at the said first meeting; and he having wilfully left and deserted the same, he thereby *functus erat officio*, and therefore could not give his voyce to any pretendit election in any other meeting, in prejudice of the said first commission.

9<sup>no</sup>, William Grahame, called of Blackwood, his subscription ought not to be respected, in regard he compeered at the election at Dumfrees, and confessed himself not to be infest in ane fourtie-shilling land holden of the King's Majestie, conform to the act of Parliament; and did acknowledge he had only some burgage acres within the burgh of Annan, for which he paid fourtie-three shillings Scots yearly, or thereby, of feu to his Majesties Exchequer.

*Last*, The said Alexander Jardine of Applegirth, albeit the said meeting had been lawfull, and had authority, as it had not, yet the said Alexander Jardine could not have been elected, because, notwithstanding of the flourishing clause insert in the said commission, relating to their alledged loyal deportment in all the last troubles, he in the prosecution of his Majesties lieges for their lives, and particularly, in *anno* 1645, was an officer in arms in open hostilitie within the kingdom of England, in assistance of his rebellious subjects

jects there against his native King and Soveraine Lord, which without his Majesties pardon and remission, doth incapacitate him from any place of trust, especially of any vote in his Majesties High Court of Parliament.

All which being considered, albeit it had been lawful to appoint any such second meeting, as it was not, yet the pretendit granters of the said commission are altogether incapable, two only excepted, one of whom, *viz.* James Irvine, is unknown to their Commissioners, and his name and designation is craved to be condescended on.

# PEDIGREE

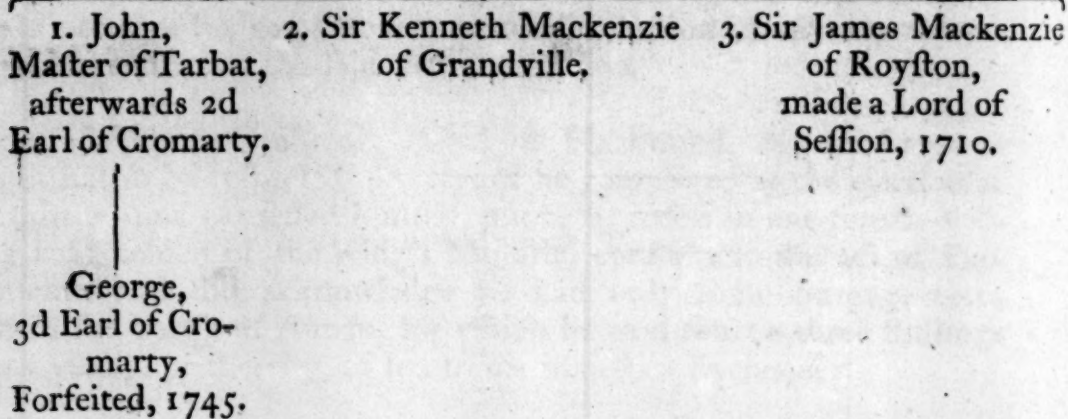
AN attempt having been made at the hearing, on certain pretended anecdotes, to discredit the votes of the Parliament of Scotland, in the years 1683 and 1689, the Freeholders take the liberty of subjoining as much of the Pedigrees of the Master of Tarbat, and of the four eldest sons of Peers, who were found ineligible in the year 1708, as may serve to show whether any thing material could have been unknown to those who were at that time parties to the question.

PEDIGREE of *John*, Master of Tarbat, voted out of Parliament 23d April 1685; and of Sir James Mackenzie of Royston, who petitioned against the election of William Lord Strathnaver, in the year 1708,

Sir George Mackenzie \* of Tarbat.

c. Viscount Tarbat, by patent, dated 15th April 1685.

c. Earl of Cromarty, 1st January 1703.



\* Sir George Mackenzie of Tarbat, a Lord of Session. ‘ He was removed on account of the share which he had in the famous act for incapacitating by ballot, commonly called the act for billeting. He was afterwards restored to favour, as the King’s letter to the Court of Session bears, 27th September 1678: “ Considering how before that, and even in the worst of times, he had on all occasions, evidenced an entire loyalty and fidelity to us; and, that  
faids

“ since, he has not only showed a dutiful acquiescence to our will, and  
 “ his grief for the wrong he had committed in that affair ; but also,  
 “ that he hath laid hold on all fit opportunities, to demonstrate his  
 “ conduct, duty and loyalty to us, and affection to our minister,  
 “ (Lauderdale), whom he had injured ; and upon narrower search  
 “ into his deportment, finding, that in the fault committed by him,  
 “ he was not only induced, but commanded to it by our then Com-  
 “ missioner (Middleton), and severals of our principal officers, as the  
 “ instructions given to him, and other authentic papers, have evidently  
 “ made appear to us,” &c.

‘ In 1678, he was made Justice General ; 1681, Lord Register ;  
 ‘ 1685, Viscount Tarbat ; 1692, again Lord Register ; 1702, Secre-  
 ‘ tary of State ; 1703, Earl of Cromarty. He was also restored to  
 ‘ his office of Justice General, which, in 1710, he resigned, upon a  
 ‘ compromise, to Archibald Earl of Hly.’—Notes on Catal. Lords of  
 Session, p. 20.



PEDIGREE

PEDIGREE of

Lord Haddo, voted out of Parliament as  
ineligible, 1708.

Sir *George Gordon*  
of Haddo,  
1st Earl of Aberdeen \*.

---

1. *George*,  
Lord Haddo,  
predeceased his  
father.

2. *William*,  
Lord Haddo,  
2d Earl of Aberdeen ;  
Twice chosen one of the 16  
Peers of Scotland, in the  
year 1721, and in the suc-  
ceeding Parliament.

\* ‘ Sir George Gordon of Haddo, who being a man of learning, and  
‘ particularly eminent for his knowledge in the laws, was made one  
‘ of the Senators of the College of Justice, *anno* 1680, President of  
‘ the Session in 1681, and Lord High Chancellor of Scotland in 1682:  
‘ And, having acquitted himself with honour and reputation in all  
‘ these high employments, was, by his Majesty King Charles II.,  
‘ in consideration of the untainted loyalty of his ancestors, the great  
‘ loyalty and sufferings of his father, and his own constant zeal and  
‘ affection to the interest of the monarchy, &c. created Earl of Aber-  
‘ deen, Viscount Tormantine, Lord Haddo, Methlie, Tarvis, and  
‘ Kelly, by letters patent, dated 30th November 1682.’ *Douglas*,  
p. 8.

PEDIGREE

PEDIGREE of *William* Lord Strathnaver, whose election was declared void by a resolution of the British House of Commons, in the year 1708 ;—and of *William* Lord Strathnaver his son, who is said to have sat in Parliament from 1727 to 1734, when his grandfather died.

*John,*

15th Earl of Sutherland.

He was one of the Commissioners for the Union, a Privy Counsellor, and one of the 16 Peers of Scotland in the first British Parliament.

|  
*William,*

Lord Strathnaver,

voted out of Parliament as ineligible, 1708. .

Predeceased his father.

|  
*William,*

Called Lord Strathnaver, after the death of his father.

He succeeded his grandfather, and was the 16th Earl of Sutherland.

Died 1750.

PEDIGREE

PEDIGREE of *James* Lord Johnston, voted out of Parliament as ineligible, 1708.

*William,*  
2d Earl of Annandale, and 1st Marquis.  
Died 14th January 1721. \*

|  
*James,*  
Lord Johnston, in 1708.  
Succeeded his father as 2d Marquis.

\* He was ' appointed one of the Lords of the Privy Council  
' to King William, one of the Commissioners of the treasury,  
' and President of the Parliament of Scotland, *anno* 1695, in  
' which high office, he acquitted himself to the general satisfaction,  
' by the candid and distinct manner in which he resumed the debate.  
' He was further dignified with the title of Marquis of Annandale,  
' by letters patent to him and his heirs male whatsoever, dated 24th  
' June 1701, and that same year, was appointed high Commissioner  
' to the General Assembly of the kirk of Scotland.

' He was made President of the Council by Queen Anne, one of  
' the Commissioners of the Treasury, one of the extraordinary Lords  
' of Session, conjunct Secretary of State, Knight of the Thistle, and  
' high Commissioner to the General Assembly of the kirk of Scotland,  
' *anno* 1705.

' In the Parliament 1706, he opposed the Union with all his inter-  
' est, and made several speeches and protests against it, containing  
' the reason of his dissent; all which were entered in the records of  
' Parliament.

' However, after the Union was concluded, he was chosen one  
' of the 16 Peers to represent Scotland, in the first British Parliament;  
' was re-elected *anno* 1710, and appointed her Majesty's high Com-  
' missioner to the kirk of Scotland, *anno* 1711.

' He was again appointed one of the Privy Council to King Geo. I.  
' keeper of the Privy Seal, and was again elected one of the 16 Peers  
' for Scotland, *anno* 1715.' Douglass, p. 28.

**PEDIGREE of John Master of Sinclair, voted out of Parliament as ineligible, 1708.**

*John,*  
|  
6th Lord Sinclair.

|  
*Catherine,*  
Baroness of Sinclair.

|  
*Henry,*  
Succeeded his grandfather,  
and was 7th Lord Sinclair.

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1. *John,*  
Master of Sinclair,  
in 1708.

2. *James,*  
General Sinclair.  
Twice member of Parliament  
for Sutherland, 3 times for  
Dyfart, &c., once for the coun-  
ty of Fife.

H

COUNTER

**COUNTER QUOTATION** from DEFOE, meant to enable the Court to judge what faith is due to that author.

After complaining of the resolution, that Scottish Peers, created Peers of Great Britain since the Union, should not sit or vote in the House of Lords, Defoe says, ' The eldest sons of Scottish peers were ' also to be excluded from a seat in the House of Commons. A vote ' to that effect was passed in the year 1710; *it was grounded on the ex- clusion that was also formerly given to them in the parliament of Scotland.* ' This vote has been set aside not many years since.' Defoe 4to. (1786) *Strictures*, p. 22.

This passage contradicts that quoted on the other side. The last part of it is unintelligible, for the resolution of the House of Peers in the case of Brandon, which was protested against at the time, and never acquiesced in, was not altered till the year 1782.

As

As two eldest sons of Peers were returned for the counties of Aberdeen and Dumfries to the first Parliament of Great Britain, enquiries have been made respecting the state of the rolls of Freeholders, at that period, not only of those counties, but also of others of the principal counties of Scotland; and it has in general been found, that there are no rolls of such an early date, or even minutes of the election of members; in particular, there are none for Dumfries prior to 1738. By a letter from John Gordon, Esq; sheriff-clerk of Aberdeen, it appears, that the minutes of election for that county, from the year 1702 downwards, have been preserved; and by an extract therefrom, respecting the election of Lord Haddo, it appears—

*1st June 1708.*

‘ That the Sheriff having required the Freeholders to proceed to the election of a Member, John Udney of Udney did preside, as being one of the last Commissioners from the shire to the last Scotch Parliament, and ordered Mr Thomas Hay, the sheriff-clerk; to call over the roll of Freeholders, &c. and thereupon they proceeded to the election of Preses and Clerk, and did elect John Udney to be Preses, and the sheriff-clerk to be Clerk, of that meeting; and the meeting qualified agreeably to the then subsisting acts of Parliament.’

‘ Thereafter, before proceeding to the election, the said William Lord Haddo produced a charter of the lands and barony of Haddo, dated 13th April 1708, and sasine thereon, dated 10th May, and recorded 14th May same year. And the said John Udney having proposed, that the said Barons should proceed to the election of their Commissioner, Mr William Seton of Pitmedden, and Colonel John Buchan, did remove, and go out from the said meeting; and it being agreed to proceed, the said haill Barons, all in one voice, but any discrepancy, did elect the said William Lord Haddo, &c.

From these minutes it appears, that Lord Haddo did not stand upon the roll of Freeholders previous to the day of election: That he was absent only a fortnight before that period, and brought his charter and sasine in his pocket, when he offered himself a candidate for the county. The same was undoubtedly the case with Lord Johnston, who was returned for the county of Dumfries to the first Parliament of Great Britain.

[illegible]